MAUCHER, BOERJES&KOLLEGEN

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	Во	No. III	Non-cetablis	hment of opinion with res	ard to novelty, inventi	ve step and Industrial applicability	
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2	FURTHER						٠.
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	If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to written reply together, where appropriate, with anouthments, before the expiration of 3 months from the date of multi-PUTIPS/220 or before the expiration of 25 months from the original province applies after.						it to the IPE mailing of P
	For further	options, see	Form PCT/ISA	/220.			
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Form PCT/ISA/237 (cover sheet) (January 2004)

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

ternational	application No.		
PCT/	EP2005/	002740	

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Form PC17/ISA/237 (Box No. I) (January 2004)

		ON OF THE International application CHING AUTHORITY PCT/EP200				
Box No. V Reasoned statement under Rule 43bia 1(a)ti) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement						
1. Statemen	al					
Nove	diy (N)	Claims	4, 5, 10, 11, 12, 13, 14	YES		
		Claims	1-3, 6-9, 15, 16	NO.		
Inven	Inventive step (IS)		11, 14	YES		
		Claims	1-10, 12, 13, 15, 16	NO.		
Indos	trial applicability (IA)	Claims	1-16	YES		
		Claims		NO.		

Citations and explanations:

1. Reference is made to the following documents:

> D1: DE 32 05 205-A D2: EP 0 190 965-A

- 2. The present application fails to comply with the requirements of PCT Article 33(1) since the subject matter of independent claims 1 and 3 is not novel (PCT Article 33(2)).
- 2.1 Before dealing with the novelty of the abovementioned claims, reference is made to the following clarity problems (PCT Article 6).

2.1.1

The subject matter of independent claim 1 appears to be an aerator. It is assumed that a plumbing fixture with its water outlet does not form part of the invention, even though the aerator "is fixed" thereto. The preamble of claim 1 does not disclose any features of the aerator.

It is likewise unclear whether an "outer ring"

Form PCT/ISA/237 (Box No. V) (January 2004)

S.07/09

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

. International application No. PCT/EP2005/002740

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; Box No. V

citations and explanations supporting such statement should form part of the invention; the outer ring is "fixed" to the outlet end of the water outlet.

2.1.2

Independent claim 3 is unclear. Wording such as "in particular according to claim 1" should be deleted.

Claim 3 is in fact an independent claim. As a result, the present set of claims includes too many independent claims in the same claim category. There is no unity of invention (PCT Rule 13.1 and 13.2) between the present claim 1 and the subject matter of independent claim 3 since claim 1 does not disclose a "ball joint" or a corresponding feature.

2.1.3

· Claims 4 to 5 relate to a feature which has previously been disclosed as optional: a "screwedin" connection has not yet been claimed.

2.1.4

Claim 6 specifies features for "the ball", even though claims 1 and 2 do not refer to a "ball joint" or directly to a "ball". Corresponding problems are repeated in the present set of claims.

2.2 In so far as the subject matter of claims 1 to 16 can be understood, the following is stated:

2.2.1

Documents D1 and D2 disclose aerators in a tap, and the aerators can be pivoted according to claim 1 (in WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY International application No. PCT/EP2005/002740

Box No. V Reasoned statement under Rule 43bis 1(a)(i) with regard to novelty, inventive step or industrial applicability: citations and explanations supporting such statement

this respect, see the passages in the search

report).
The subject matter of independent claim 1 is

The subject matter of independent claim 1 is therefore not novel.

2.2.2

The subject matter of independent claim 3 is likewise known from documents D1 and D2. Both documents disclose an aerator which is completely or at least partially mounted within a ball of a ball joint. An outer ring, where the ball is mounted, can be fixed in an outlet end of the water outlet (at this point, reference is again made to the passages in the search report).

The subject matter of independent claim 3 is therefore likewise not novel.

2.2.3

The additional features of dependent claims 2, 6-9, 15 and 16 are also known from document D1, and therefore the subject matter of these claims is not novel. Accordingly, these claims likewise do not meet the requirements of PCT Article 33(2).

2.2.4

Dependent claims 4, 5, 10, 12 and 13 do not contain any additional features which, in combination with the features of any claim to which they refer, lead to a subject matter which involves an inventive step with respect to the citations mentioned in the present procedure. This is because the additional features of these claims are either already known

Form PCT/ISA/237 (Box No. V) (January 2004)

International application No.

S.09/09

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

BOX No. V Reasoned statement under Rule 43bits 16(10) with regard to novelty, inventive step or industrial applicability;

from documents D1 or D2 or are evident as an obvious combination of features from the citations mentioned in the present procedure or concern minor structural modifications which are part of the routine practice of a person skilled in the art.

2.2.5

The combination of features in dependent claim 11 is neither known nor obvious from the available prior art. In so far as it is dependent on claim 11, claim 14 likewise appears to be admissible.